

Message Text

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PAGE 01 STATE 153091
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FM SECSTATE WASHDC
TO AMEMBASSY LONDON IMMEDIATE
AMEMBASSY MOSCOW IMMEDIATE
INFO USMISSION USUN NEW YORK PRIORITY

C O N F I D E N T I A L STATE 153091

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LIMDIS- LONDON FOR SHULMAN, VEST, LUERS, AND TOON ONLY

E.O. 11652: GDS

TAGS: ASEC, CGEN (CHERNYAYEV, RUDOLF)(ENGER, VALDIK)

SUBJECT: ESPIONAGE CASE - BAIL

REF: STATE 142890 NOTAL

1. REFTTEL REPORTED THAT ATJUNE 6 ARRAIGNMENT OF CHERNYAYEV
AND ENGER IN NEWARK FEDERAL DISTRICT COURT, DEFENSE COUNSEL
MOVED TO REDUCE BAIL. DEFENSE COUNSEL PROVIDED WRITTEN
ASSURANCES SIGNED BY AMBASSADOR DOBRYNIN THAT CHERNYAYEV AND
ENGER WOULD REMAIN IN THE US IF RELEASED ON BAIL. JUDGE
ASKED WHAT AUTHORITY SOVIET AMBASSADOR COULD MAINTAIN OVER
THEM TO KEEP THEM IN US, BUT DEFENSE COUNSEL COULD NOT
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PAGE 02 STATE 153091

ANSWER TO JUDGE'S SATISFACTION. JUDGE MAINTAINED BAIL AT
2 MILLION DOLLARS EACH.

2. A FURTHER HEARING ON DEFENSE'S MOTION FOR BAIL REDUC-
TION HAS BEEN SCHEDULED FOR 10 AM MONDAY, JUNE 19, AT NEWARK
DISTRICT COURT. DEFENSE COUNSEL WILL HAVE THE BURDEN OF
A) MAKING SPECIFIC PROPOSAL AS TO THE AMOUNT OF BAIL, THE

FORM OF SECURITY, GEOGRAPHIC RESTRICTIONS AND OTHER TERMS;
AND B) SHOWING HOW DOBRYNIN'S ASSURANCES WILL BE IMPLEMENTED
(E.G., RESIDENCE OF DEFENDANTS, CONTROL OF TRAVEL DOCUMENTS,
PERIODIC REPORTS TO US ATTORNEY, ETC.).

3. DEPT OF JUSTICE HAS TOLD US THAT ITS POSITION AT
HEARING WILL BE TO INSIST THAT SUGGESTING SPECIFIC TERMS
FOR BAIL IS RESPONSIBILITY OF DEFENSE COUNSEL. IF THE
COURT IS DISPOSED TO GRANT A REDUCTION OF BAIL TO ONE
MILLION OR EVEN 500,000 DOLLARS EACH, JUSTICE WILL NOT
OPPOSE THE REDUCTION. HOWEVER, JUSTICE WILL NOT TAKE THE
LEAD IN SUGGESTING EITHER AN AMOUNT OR TERMS FOR BAIL.

4. IF BAIL IS NOT REDUCED TO SOVIETS' SATISFACTION, AND
JUDGE ISSUES WRITTEN ORDER DENYING BAIL, DEFENSE MAY
APPEAL TO US COURT OF APPEALS FOR THE THIRD CIRCUIT IN
PHILADELPHIA. CHRISTOPHER

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